

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

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2007 MAY -9 P 4 27

JIMMIE McCALL

PLAINTIFF

VS.

CITY OF MONTGOMERY

DEFENDANT

CASE NO. 2:06-CV-1104

RESPONSE TO SHOW CAUSE ORDER

COMES NOW Defendant, City of Montgomery (hereinafter "City"), by and through the undersigned counsel, and respectfully submits to this Honorable Court in compliance with the Courts order of May 8, 2007 and submits the following response:

1. During the hearing before this Court on April 4, 2007 Defendant, City of Montgomery agreed in open Court not to proceed with the demolition of the Plaintiff's House. The City was of the opinion that the cause was to be terminated with the only remaining issue to be costs. It was the City's understanding that Counsel for the Plaintiff had agreed in principle to the dismissal of this action and that Counsel for Plaintiff was going to notify this Court that an agreement had been reached but could not reduce to a writing until the details were finalized. The only issue that remained was the amount of damages to be paid to the Plaintiff, if any. Plaintiff's Counsel provided City with a verbal demand however, the City requested the Plaintiff's Counsel forward any proof of damages/cost as soon as possible so that

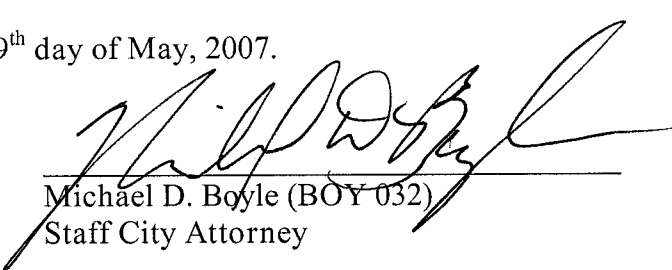
the settlement could be approved. These figures were not provided until Monday, May 7, 2007.

2. The Court's order required a jointly prepared and signed status report. On the part of the Defendant City, this Defendant could not comply with the order of this Court because the Plaintiff's Counsel had not provided the requested information to City and settlement could not be finalized without the requested information therefore, a "jointly" filed status report could not be filed with the Court. The City could not file a joint status report alone.

3. Further, this attorney has been involved in the lengthy preparation for a jury trial which began on Monday, May 7, 2007 in the Montgomery County Circuit Court. Counsel for the City was not able to initiate contact or confer with Plaintiff's attorney about the status of said requested information prior to the required filing deadline.

PREMISE CONSIDERED Counsel for City prays for lenience and offers his record in both this Court and the State Courts to show that Defendant's Counsel is studious in complying with all orders of the Courts, complying with all deadlines and has no history of ignoring any Order from any Court.

Respectfully submitted this the 9th day of May, 2007.




Michael D. Boyle (BOY 032)
Staff City Attorney

OF COUNSEL:
City of Montgomery Attorney's Office
103 North Perry Street
Montgomery, AL 36104
(334) 241-2050

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a copy of the above and foregoing Response to Show Cause Order to the following by electronic mail or placing a copy of same in the United States Mail, postage, prepaid, this 9th day of May 2007:

Norman Hurst, Jr.
462 Sayre Street
Montgomery, Alabama 36104


Of Counsel